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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 10/618,132            | 07/11/2003  | Ming Che Wu          | 62188.011200        | 4425             |
| 32361                 | 7590        | 04/12/2004           | EXAMINER            |                  |
| GREENBERG TRAUIG, LLP |             |                      | MAI, HUY KIM        |                  |
| 885 3RD AVENUE        |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10022    |             |                      | PAPER NUMBER        |                  |
|                       |             |                      | 2873                |                  |

DATE MAILED: 04/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/618,132

Applicant(s)

WU, MING CHE

Examiner

Huy K. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The declaration filed on Nov. 20, 2003 is acceptable.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The specification lacks of the summary of the invention.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: The phrase "the at least rib" (claim 1, line 11) should read --the at least one rib--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao (6,264,323).

Regarding claims 1, 4-7, Chao discloses in Figs. 5-7, column 3, lines 21-40, an eyeglass assembly comprising a pair of first eyeglasses 50 and a pair of second eyeglasses 50', a retainer integrally formed with the first bridge 51 and consisting of an upper clamping plate 53, a lower clamping plate 54 and a space defined between the upper and lower clamping plates. However

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the combination of at least one positioning rib 57 and at least one groove 58 are formed on the inner face of the lower clamping plate and the second bridge, respectively, instead of the at least one rib formed on the second bridge and the at least one groove formed on the inner face of the lower clamping plate as claimed in claim 1. Thus the differences between the claimed invention over the Chao reference are merely the interchanged positions of the rib and groove formed on either the inner face of the lower clamping plate or the second bridge. Such interchanged positions of the rib and groove would have been easily motivated to a person having ordinary skill in this art to modify the position of the rib and groove by forming the rib on the second bridge and forming the groove on the inner face of the lower clamping plate. Such a modification would not change the scope of the retainer to combine the first pair of eyeglasses to a second pair of eyeglasses. In another word, the limitations in claim 1 are unpatentable over Chao reference under 35 USC 103.

Further the quotation states "Patentability shall not be negated by the manner in which the invention was made." The difference of the position of the rib and groove in claimed invention is merely negated by the manner in which the invention made by Chao reference. Thus, the claimed invention in claim 1 is unpatentably distinct from the Chao reference as stated in the 103 quotations.

Regarding claim 8, the limitations in claim 8 are similar to those of claim 1, except for the retainer is integrally formed with the first bridge instead of the retainer detachably connected to the first bridge and the second bridge as claimed. Chao also discloses in Fig. 12, his retainer 913 including the upper and clamping plates 916, 917 detachably connected to the first bridge 911 and the second bridge 911. Therefore, it would have been obvious to an artisan to modify the

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above-discussed Chao's modified retainer in light of Chao's teachings by forming the retainer separately from the first bridge where the retainer detachably connected to the first bridge and the second bridge to combine the first pair of eyeglasses and the second pair of eyeglasses as the same purpose as the applicant does.

6. Claims 2,3 and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Chao as applied to claims 1,4-8 above, and further in view of Wang (5,335,025).

The claimed invention in claims 2,3,9-11 is taught by Chao as discussed above, except for the upper and lower clamping plates including inclined faces and the bridges including the truncated corners as claimed. Such the inclined faces and the truncated corners are for facilitating to combine the retainer to the bridges. The inclined faces and the truncated corners are for facilitating to combine a first element to a second element are commonly knowledge in the art as taught by Wang, for example. Therefore, it would have been obvious to an artisan to truncate the corners of the bridge and to incline the inner surface of the upper and lower clamping plates of the Chao reference as commonly knowledge in the art for facilitating to combine the retainer to the bridges as the same as the applicant does.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

A handwritten signature in black ink, appearing to read 'Huy Mai'.

Huy Mai  
Primary Examiner  
Art Unit 2873

HKM/  
April 5, 2004